

REMARKS

Applicant submits the following amendments and remarks in response to the Official Action mailed March 21, 2005.

In the Official Action, the Abstract was objected to for various informalities. In response to the objection, Applicant hereby submits a supplemental Abstract. No new matter has been added by the submission of the new Abstract.

In the Official Action, claims 1-29 are rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. In addition, claims 1-29 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response to these rejections, Applicant has amended or cancelled claims 1-29. Claims 1-29 have been amended in order to comply with the requirements of U.S. patent law. No new matter has been added to the present application by the amendments to the claims.

Claims 1-24 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,509,564 to Knoop ("Knoop"). As already stated herein, Applicant has amended the claims thereby rendering the rejection moot.

Amended independent claim 1 includes recitations directed to the protective element of the container having at least one rib and at least one interrupted area. The rib and interrupted area are equivalent to the tearing element previously included in the original claims. But, the language has been altered in order to more clearly define the present invention.

In the Official Action, the Examiner questioned how a tearing element could create a tear in the seal. The tearing of the seal refers to the protective element losing contact with

the container body at least along a portion of the protective element. The tearing element was designed to facilitate such dislocation between the two elements. Similarly, the rib and interruption area facilitates the breaking of a seal formed between a protective element and a container body and is positioned adjacent the edge of the container body, as included in claim 1. *Knoop* does not disclose such a recitation.

Knoop discloses a venting device 10 having threads 17 disposed along a neck portion 14. Slots 16 are disposed along the threads at varying intervals around the neck portion. As a cap 10 is tightened or loosened from threading engagement with a container, the amount of the slot that is exposed to the environment is either increased or decreased. In order to remove the venting device from threaded engagement with the container, the venting device is rotated. In addition, the slots do not aid in the breaking of the seal between the venting device and the container. This is confirmed in FIG. 4 of *Knoop*, which illustrates that the slots are remote from the seal between the venting device and the container when the venting device is tightly affixed to the container.

In addition, *Knoop* also does not disclose recitations included in the dependent claims, such as the interruptive areas being aligned with the gripping element or that the at least one rib is supported on an edge of the container body. Thus, for all of the reasons above, Applicant asserts that claim 1 is patentable over *Knoop* and should be deemed to be allowable. In addition, claims 2-4, 7, 8, 17-22 and 26-29 depend from claim 1 and, as such, should also be deemed to contain patentable subject matter.

In the Official Action, claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Knoop*. Claim 25 depends from claim 1 and, therefore, includes all of the recitations of claim 1. Although the Examiner asserts that it

would have been obvious to one having ordinary skill in the art at the time that the invention was made to make the new protective element, i.e., venting device, of molded thermoplastic material to render claim 25 obvious and unpatentable, claim 25 depends from claim 1 and, therefore includes all of the recitations included within claim 30 as previously stated. Therefore, for arguments consistent with those made with regard to claim 1, Applicant asserts that claim 25 should be deemed patentable and allowed.

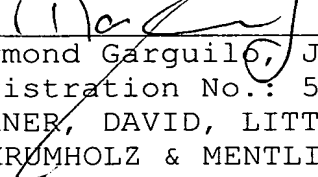
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 5, 2005

Respectfully submitted,

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